



State of California  
**Respiratory Care Board**  
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**Inquiry:** In Article 1, General Provisions of the Laws and Regulations book, it states that the RCP is employed under the supervision of a Medical Director in the therapy...

In my business, I will be performing only diagnostic testing specifically Oximetry and/or Lung Volume testing for Physicians. Can each Physician who prescribes the test sign a form that will make him/her the Medical Director supervising the tests and my company the employed contractor that will perform the test? Or does a company performing the test have to have a Medical Director overseeing the company?

**Response:** Section 3702 of the Respiratory Care Practice Act refers to Respiratory care as a profession employed under the supervision of a Medical Director. It is our opinion that the supervision implied is related to the oversight of the procedures delivered (i.e. the quality and clinical expertise) and not the actual employment of the practitioner. Based upon this clarification it seems reasonable from the practice act perspective that the oversight could be accomplished as you have described. However, we would recommend that you further investigate with other regulatory agencies to ensure you have accurately researched all the aspects of this practice.

We would also remind you that even though you have the proper medical supervision, an appropriate order is still required to perform any oximetry or diagnostic evaluation on a patient.

Reference # 2002-C-14